

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

Molly Vogt, as Trustee for the Heirs and  
Next-of-Kin of Joshua Vogt, deceased,

Case No. 21-cv-1055 (WMW/TNL)

Plaintiff,

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

v.

MEnD Correctional Care, PLLC; Crow  
Wing County, Minnesota; Heath Fosteson,  
*individually and in his capacity as Crow  
Wing County Jail Administrator*; CO  
Robert Anderson; CO Raynor Blum; CO  
Cherokee DeLeon; CO Christine Ghinter;  
CO Ronald J. Imgrund; and CO Lukasz  
Organista,

Defendants.

---

This matter is before the Court on the January 30, 2023 Report and Recommendation (R&R) of United States Magistrate Judge Tony N. Leung. (Dkt. 88.) The R&R recommends granting in part and denying in part Plaintiff Molly Vogt's motion for default judgment and other sanctions. No objections to the R&R have been filed. In the absence of timely objections, this Court reviews an R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment; *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the foregoing analysis, the R&R, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. The January 30, 2023 Report and Recommendation, (Dkt. 88), is **ADOPTED**.
2. Plaintiff Molly Vogt's motion for default judgment and other sanctions, (Dkt. 57), is **GRANTED IN PART and DENIED IN PART** as follows:
  - a. The motion is **GRANTED** with respect to the provision of an adverse-inference instruction regarding the footage from Camera 18, as set forth in the Report and Recommendation. Vogt will be awarded reasonable attorney fees and costs for the expenses that she would not have incurred but for the Defendants' failure to preserve the footage from Camera 18, including those expenses incurred in connection with her present motion, in an amount to be determined at a later date.
  - b. The motion is **DENIED** in all other respects.

Dated: March 8, 2023

s/Wilhelmina M. Wright  
Wilhelmina M. Wright  
United States District Judge